

Remarks

Claims 1-20 are pending in the subject application. Applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 USC §112, second paragraph, and 35 USC §102(b). By this Amendment, Applicants have amended claims 1 and 15. Entry and consideration of the amendments presented herein is respectfully requested. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants respectfully request reconsideration and withdrawal of the finality of the rejections set forth in the outstanding Office Action. In making the rejections final, the Examiner asserts that Applicants' amendments necessitated the new rejections. Applicants respectfully disagree. Applicants respectfully assert that the amendments to the claims submitted in their Amendment dated December 20, 2005 did not necessitate the new grounds of rejection presented in the instant Office Action. The claims as pending at the time of the previous Office Action (dated September 21, 2005) and as pending following Applicants' Amendment dated December 20, 2005 (submitted in response to the September 21 Office Action) contained the compound of claims 1 and 15 wherein alkyl (optionally substituted) was present as one of the possible substituents of R¹. Thus, the alkyl substituent of R¹ was already before the examiner and, therefore, the rejections set forth in the instant Office Action could have been made at the time of the Office Action dated September 21, 2005. Thus, Applicants' amendment did not necessitate the new rejections. Accordingly reconsideration and withdrawal of the finality of the Action is respectfully requested. However, Applicants acknowledge that should the amendments presented herein place the application in condition for allowance and the Examiner subsequently provides a Notice of Allowance, then withdrawal of the finality of the instant Office Action will be unnecessary.

Claims 1, 15, and 16 are rejected under 35 USC §102(b) as anticipated by Gani *et al.* (WO 98/12201). In addition, claims 1 and 9 are rejected under 35 USC §103(a) as obvious over Gani *et al.* (WO 98/12201). The Examiner asserts that the Gani *et al.* publication teaches a compound of formula R¹Y^{*}L where R¹ is an alkyl substituted with an amine, Y^{*} is phosphorylated tyrosine, and L is leucine. Applicants respectfully traverse this ground of rejection.

Applicants respectfully assert that the Gani *et al.* publication does not teach or suggest Applicants' claimed invention. However, in a sincere effort to expedite prosecution of the subject application to completion, Applicants have amended claims 1 and 15 to delete alkyl as an R¹

substituent. Applicants respectfully assert that the Gani *et al.* publication does not teach or suggest a compound where R¹ is any of the substituents set forth in amended claims 1 and 15 of the subject application. In view of the amendments to claims 1 and 15, Applicants respectfully assert that dependent claims 9 and 16 are not anticipated by or obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejections under §§102(b) and 103(a) is respectfully requested.

Applicants respectfully assert that the amendments presented herein place generic claims 1 and 15 in condition for allowance. Applicants respectfully request that the Examiner's withdrawal of claims 3-7, 10-14, 18, and 19 as drawn to a non-elected invention be removed and the claims rejoined in the subject application.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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